

EXHIBIT H

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ON BEHALF OF THE PLAINTIFF:

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ON BEHALF OF THE DEFENDANT - BOARD OF COUNTY
COMMISSIONERS:

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ON BEHALF OF THE DEFENDANT - STATE OF MARYLAND:

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ALSO PRESENT: Mindy Lanie, Andrea Smith, Chris
Leighton

REPORTED BY: CHRIS HOFER, NOTARY PUBLIC

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1 me out of the cell to look for the TTY and they got it
2 out of the cabinet where it was that it was still in
3 the box. And, you know, upon opening the box I
4 immediately realized that it wasn't charged enough.

5 And so we plugged it in at that point and I
6 was taken back to my cell. And after two or three
7 hours, or you know, about that amount of time, I felt
8 that the phone had had enough, or the TTY rather had
9 had enough time to charge and so they did bring me back
10 to try to use it. But when I got back there, I found
11 that the plug had been, or that the TTY had been
12 unplugged.

13 I still attempted to call my house-mate, more
14 than once. It was about I'd say four in the morning
15 and my house-mate was starting to get worried. She
16 figured that the phone going off was probably me. And
17 apparently she responded and, you know, said "hello, go
18 ahead." She responded three times but there just
19 wasn't enough charge in the TTY for it to, you know,
20 provide the communication access.

21 Q Did you write a note for one of the

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1 corrections officers that said that the person who you
2 were trying to reach was deaf and that if she was
3 asleep she would not know you were trying to call?

4 A No, actually she has a light that's attached
5 to the phone that when the phone rings the light goes
6 on and off so she, you know, she has that sort of
7 access. And if she noticed the light going off then
8 she would of course get up and answer the phone. So I
9 don't think that that would be any sort of excuse. She
10 would have responded because the light would have woken
11 her up.

12 Q How do you know the light would have woken
13 her up?

14 A Well, Virginia told me as much. That's
15 exactly what she told me.

16 Q What time did she say she was awakened?

17 A Well, she did say that it was rather early in
18 the morning. I would have to look but I believe that
19 it was somewhere in the vicinity of 4:00.

20 Q Do you know why the TTY device would have not
21 worked by simply being plugged into the wall?

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1 A Well, typically when a TTY hasn't been used
2 before it requires up to eight hours of being plugged
3 in to actually charge the battery within the TTY. And
4 this one that they had was plugged in for less than
5 three hours and I don't know the exact amount of time
6 because it had been unplugged.

7 I had enough charge to send it because she
8 told me that, you know, the ringer caused the light to
9 go off and she got up and responded. And she told me
10 she said, "hello, hello, hello" but there wasn't enough
11 charge in it for me to get that.

12 Q How do you know that this device did not work
13 alternatively in charge or battery mode and direct
14 plugin mode?

15 A Well, honestly, I, well you know that's an
16 interesting question. I'm not a technicological
17 wizard, generally speaking, but I have many, many years
18 experience of using TTYs. And typically for a regular
19 TTY it requires a charge. It requires to be plugged in
20 for a decent length of time before there's enough
21 charge to actually power the machine.

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1 So while I might not be technicologically
2 savvy with other things, I have years experience with
3 TTYs. And it's interesting because at this point in
4 time, 99.9 percent of the deaf community uses video
5 phones. People don't really use TTYs anymore. But my
6 roommate's kind of old, well I probably say shouldn't
7 old, maybe elderly. And she prefers to use a TTY.

8 She prefers to keep it because a TTY actually
9 has a paper printout which gives you a record of your
10 conversation and I realized exactly how important that
11 is because I do have a record of our conversation.

12 Q Conversation?

13 THE INTERPRETER: Interpreter clarification:
14 a record of that call.

15 BY MR. KARP:

16 Q What is Exhibit 3?

17 A What is that? Oh, that's, that is the paper
18 from the TTY from the, well that is the record of my
19 call to her while I refer to her as Virginia I do
20 typically call her Ginny and she refers to herself as
21 Ginny. So that's what you're seeing on the paper.

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1 She's saying "hello, this is Ginny. Hello, this is
2 Ginny." And, you're right, I mean I don't totally
3 understand how a TTY works but she would have received
4 the call but not received my responses or that there
5 wasn't enough power for me to see that she was
6 responding to her and then be able to respond myself.

7 Q Is it the case that, based on this document,
8 you believe your calls went through three times?

9 A Right. It does look like there was three
10 calls consecutively. But I don't remember the exact
11 amount of time. I remember that I came back to the TTY
12 at least three times to attempt the call because they
13 had unplugged it and so I plugged it back in to get
14 more charge in the TTY but, right, it was during a
15 short amount of time. I don't remember.

16 But I see that the time stamps are here and
17 that after several failed attempts because there wasn't
18 enough charge that, finally, you know, we see that
19 there were, that it got through. And, you know, from
20 what the receipt for lack of a better time, what it
21 looks like is you can see three different time stamps

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1 on there so it's obvious that I attempted calling three
2 times.

3 Q Let's call it a receipt. Is this your
4 handwritten material on it?

5 A Right, no that's actually Ginny or Virginia's
6 handwriting.

7 Q Is she the one who wrote "actually should
8 read 8/1/08"?

9 A Yes, well I do know her handwriting and that
10 looks like her handwriting.

11 Q Do you have the original of this receipt?

12 A Right, and she typically calls me Jo, so yeah
13 Jo's copy. That would be her. Yes, I do have the
14 original. Yeah, it's in a file.

15 Q Do you have the receipt for the previous day?

16 MS. TRAIL: You mean the day previous to the
17 receipt that you see here?

18 BY MR. KARP:

19 Q Yes.

20 A No, I just have this.

21 Q What's the basis for your belief that this

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1 receipt relates to August 1 rather than August 2?

2 A You're right. It is on there wrong. There's
3 something wrong with the machine. The computer itself
4 printed it out for the wrong date but that was from,
5 because it went overnight from July 31st to August 1st
6 so it should say August 1st. The paper printout date
7 is wrong.

8 Q Well, how do you know that?

9 A You know, we'd have to ask Ginny 'cause it's
10 her TTY. She's more familiar with it.

11 Q Is there any other documentary evidence of
12 your attempted TTY calls, as far as you know?

13 A No. I wish we had a VP there that night so I
14 could have made the call successfully. But then we
15 tried the pager, we were looking for the pager and that
16 didn't work out either. It was incredibly frustrating
17 that night. You, no, go ahead.

18 Q Explain to me, if you can, how this device at
19 the detention center had enough charge to allow you to
20 make three calls but not enough charge, within five
21 minutes, but not allow you to complete even a brief

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1 conversation?

2 A Remember, as I said, it just didn't have
3 enough recharge. It has to have a certain amount of
4 power to it and I told you before that this TTY had not
5 been used in a very long time. It was kept in a box in
6 a cabinet in a drawer somewhere. And so it didn't have
7 enough juice in the battery to be able to transmit to
8 make this work.

9 Q Was it plugged in when you attempted to use
10 it?

11 A I mean we did try to make the call and we
12 plugged it in. It wasn't going to work. It didn't
13 have enough umph to do it at that point and so they put
14 me back in my cell for a couple of hours in order to
15 allow it to charge except they may have unplugged it
16 right when they took me back to the cell. I have no
17 idea because I couldn't see what was going on. All I
18 know is I was in the cell for a couple hours.

19 When I came back, it was unplugged and we
20 tried plugging it back in to try it again. It still
21 didn't have enough juice in the battery.

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